

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**DAVID HUFF,**

**Plaintiff,**

**v.**

**COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,**

**Defendant.**

**Case No. 17-CV-429-JFH-KEW**

**ORDER**

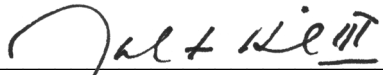
Before the Court is the Findings and Recommendation [Dkt. No. 31] of United States Magistrate Judge Kimberly E. West reviewing Plaintiff's Motion for Relief Pursuant to Fed. R. Civ. P. 60(b)(6) and Motion for Attorney Fees Under 42 U.S.C. § 406(b) with Supporting Memorandum. Dkt. No. 27.

Neither party objected to Magistrate Judge West's Findings and Recommendation within the 14-day period prescribed by 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b). Having reviewed the Findings and Recommendation, the Court concurs with Magistrate Judge West's recommendation, and accepts and adopts it as the order of the Court. On that basis, the Court finds that Plaintiff's Motion for Relief Pursuant to Fed. R. Civ. P. 60(b)(6) and Motion for Attorney Fees Under 42 U.S.C. § 406(b) with Supporting Memorandum [Dkt. No. 27] is **GRANTED**.

**IT IS THEREFORE ORDERED** that Plaintiff's counsel, Miles Mitzner, be awarded fees in the amount of \$25,607.25 to be paid by Defendant directly to counsel from the amount of past due benefits withheld for that purpose.

**IT IS FURTHER ORDERED** that Plaintiff's counsel, Miles Mitzner, is ordered to refund the smaller amount between any EAJA fees already awarded and the § 406(b) fees awarded in this decision within thirty (30) days of this Order.

DATED this 6<sup>th</sup> day of July, 2021.

  
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JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE